

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2008- _____ - T

IN RE:

Petition of the Office of Regulatory)	
Staff for Commission to Order a)	PETITION OF THE OFFICE OF
Rule to Show Cause as to Why)	REGULATORY STAFF FOR A RULE TO
The Certificates of Public)	SHOW CAUSE AS TO WHY
Convenience and Necessity for)	CERTIFICATES OF PUBLIC
Certain Motor Carriers Should Not)	CONVENIENCE AND NECESSITY
Be Revoked For Non-payment of)	SHOULD NOT BE REVOKED
<u>License Fees</u>)	

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina ("the Commission") is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (Supp. 2007); that the Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq. as enacted by 2004 S.C. Acts 175.

2. That the companies listed in Exhibit A are currently operating as "motor vehicle carriers" as defined in S.C. Code Ann. §58-23-10(4) in that they are incorporated for the purpose of owning, controlling, operating or managing motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That the companies listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (Supp. 2007); further, that these companies have submitted themselves to the jurisdiction of the Commission by holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A. See Exhibit A.

4. That the Companies listed in Exhibit A, upon receiving their Certificates of Public Convenience and Necessity, were found to be fit, willing and able to operate as a motor carrier by the Commission; that such authority found the companies were “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina” and that they “agree to operate in compliance with these statutes and regulations” 26 S.C. Code Regs. 103-133.4.a (Supp. 2007).

5. That, “A holder of a certificate A, B, or C with less than twenty vehicles must semi-annually **on or before July first and January first of each year** pay to the Commission the following fees: For vehicles weighing not more than two thousand pounds, seven dollars and fifty cents; and for vehicles weighing in excess of two thousand pounds, seven dollars and fifty cents for the first two thousand pounds and two dollars and fifty cents additional for each additional five hundred pounds or part thereof of weight, except that the total license fee may not exceed fifty dollars per vehicle semi-annually.” S.C. Code Ann. §58-23-560 (Supp. 2007) (emphasis added).

6. That, pursuant to S.C. Code Ann. §58-4-10 et seq. (Supp. 2007), beginning January 1, 2005, the Office of Regulatory Staff must represent the public interest of South Carolina before the Commission and has authority to enforce collection of such fees.

7. That the companies listed in Exhibit A failed to pay fees that were due on or before July 1, 2008 and are therefore currently not in compliance with Commission statutes governing the regulation of motor carriers.

8. That “the Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has

willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria..." 26 S.C. Code Regs. 103-240 (Supp. 2007).

9. That "the Commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or willfully violated any of the terms of his certificate or of the Commission's proper orders, rules or regulations. But the holder of the certificate has the right of appeal to any court of competent jurisdiction. The Commission must not be a party to any appeal." S.C. Code Ann. §58-23-320 (Supp. 2007).

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Issue an order requiring the carriers listed on Exhibit A to appear before the Commission, and show cause why any order should not be issued from this Commission revoking the Certificates of Public Convenience and Necessity previously issued to said carriers;

2. Provide for the opportunity by the carrier to respond to the allegations of this Petition within thirty (30) days from the date of the receipt of the Order;

3. Schedule and conduct a formal administrative hearing within 45 days to address disputed issues of fact and law regarding the Certificate pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2007) and S.C. Code Ann. §58-23-320.

4. Pursuant to S.C. Code Ann. §58-23-560 (Supp. 2007), take judicial notice of the Commission's records in that the required semi-annual fees have not been filed for the companies listed in Exhibit A.

5. Enter a final order revoking the Certificates of Public Convenience and Necessity held by those carriers failing to pay the required fees; and

6. For other appropriate action which the Commission may deem necessary.

Shealy Boland Reibold
Jeffrey M. Nelson, Esquire
Shealy Boland Reibold, Esquire
Office of Regulatory Staff
1441 Main Street, Suite 300
Columbia, South Carolina 29201
Telephone: (803) 737-0823
Fax: (803) 737-0895

August 26, 2008
Columbia, South Carolina

EXHIBIT A - AUGUST 20, 2008

Docket No. _____

Rule to Show Cause for Non-Payment of Decal Fees

No	CERT TYPE	CERT #	DOCKET #	NAME	DBA	ADDRESS1	CITY1	STA TE1	ZIP CODE 1
1	CHARTER	7190-A	2002-47-T	A SPECIAL TOUCH LIMOUSINE, LLC		PO BOX 5316	LAKE WYLIE	SC	29170
2	CHARTER	7991	2008-163-T	AMERICAN VIP LIMO, LLC		102 HOLLY CREEK DRIVE	IRMO	SC	29063
3	NON-EMER	6997	2000-510-T	CAROLINA SPECIALTY TRANSPORTATION SERVICES, INC.	MOBILE MED	4 CARRIAGE LANE, SUITE 104	CHARLESTON	SC	29407
4	CHARTER	7130 7669	2001-271-T 2005-378-T	DAVIS TRANSPORTATION SERVICES, INC.		PO BOX 5226	GREENVILLE	SC	29606
5	TAXI	7652	2005-371-T	DEXTER LARON HARRIS	AHMADIEL'S BEST	4370 LADSON ROAD #G 207	LADSON	SC	29456
6	CHARTER	7178-A	2001-439-T	ELITE SERVICES, INC.		505 W. MAIN STREET	SPARTANBURG	SC	29301
7	TAXI	6896-B	2000-119-T	ERNEST DAVID MITCHELL, SR. & LINDA J. MITCHELL	MITCH LIMO SERVICE	6304 BEARS FLUFF ROAD	WADMALAW ISLAND	SC	29487
8	CHARTER	7705	2006-143-T	EXECUTIVE LIMO SERVICE, LLC		7703 N. KINGS HIGHWAY	MYRTLE BEACH	SC	29572
9	TAXI	7945	2008-55-T	FANNIE L. SMITH	MOTHER TO MOTHER TAXI	105 DOGWOOD HILL DRIVE	GOOSE CREEK	SC	29445
10	NON-EMER CHARTER	7689 7912	2006-116-T 2007-422-T	FLX-RIDE, LLC		1226 SUMMERVILLE AVENUE	COLUMBIA	SC	29201
11	TAXI	6210	1994-416-T	FRANKLIN NOLAN SELLERS		2001 S. FIRETOWER RD.	FLORENCE	SC	29506
12	CHARTER	7475	2004-113-T	G.R.A.C.E. LIMOUSINE, INC.		908 MILL DRIVE	SAVANNAH	GA	31419
13	TAXI	7776	2007-46-T	GEORGE NANCE		802 13TH AVENUE SOUTH APT 105	MYRTLE BEACH	SC	29577
14	CHARTER	7127	2001-257-T	HOWARD BOWENS	HB TRANSPORTATION SERVICES	33 PINECREEK COURT	GREENVILLE	SC	29605
15	CHARTER	7360-A	2003-152-T	IN-STYLE LIMOUSINE, INC.		2638 GOBLE ST.	GASTONIA	NC	28056
16	TAXI	6216	1994-538-T	J.C. SMITH		522 NORTH JEFFERSON STREET	FLORENCE	SC	29506
17	CHARTER	6954	2000-297-T	JIMMY WIGGINS	J&W ENTERPRISES	5290 AUGUSTA HWY	SMOAKS	SC	29481
18	CHARTER	7820-A	2007-98-T	JLS, LLC		15729 COLLEGE BLVD	LENEXA	KS	66219
19	TAXI	7972	2008-130-T	JOHNNY PHILLIPS	THE BEST TAXI SERVICE	P.O. BOX 62292	N. CHARLESTON	SC	29419
20	TAXI	6657	1998-457-T	JOSEPH LEE COOPER		448 EAST SIESTA DRIVE	FLORENCE	SC	29505
21	TAXI	7704	2005-396-T	KENNETH L. BOATWRIGHT, SR.	RED TOP CAB SERVICES	716 S. WARREN STREET	TIMMONSVILLE	SC	29161
22	TAXI	7985	2008-147-T	LETICIA V. DIAZ	DIAZ TAXI	133 ROSELAND DRIVE	SALUDA	SC	29138
23	TAXI	7197	2002-74-T	LOUISE C. PLAYER		103 PEPPER DRIVE	DARLINGTON	SC	29532
24	TAXI	7211	2002-112-T	MARION J. MCDOWELL		1120 ELMGROVE AVENUE	FLORENCE	SC	29506
25	TAXI	3768	1979-458-T	MARY L. JONES		615 BABY DRIVE	PAMPLICO	SC	29583
26	TAXI	7982	2008-182-T	MARY LEE COOPER		448 E. SIESTA DRIVE	FLORENCE	SC	29505
27	TAXI	7919	2008-22-T	MELANIE GRANT	INDEPENDENT LIMO	2007 ORVID STREET LOT 1	N. CHARLESTON	SC	29405
28	TAXI	7855	2007-279-T	MELISSA W. DOLLARD AND TYRONE DAVIS	HARMONY DISCOUNT TAXI	316 S. GAILLARD STREET	FLORENCE	SC	29506

EXHIBIT A - AUGUST 20, 2008

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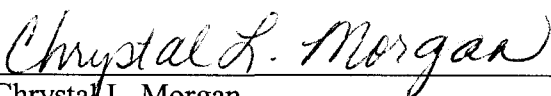
No .	CERT TYPE	CERT #	DOCKET #	NAME	DBA	ADDRESS1	CITY1	STA TE1	ZIP CODE 1
29	TAXI	7939	2008-57-T	MELVIN TAYLOR	MC TAXI	4851 RIVERS AVENUE ROOM 124	N CHARLESTON	SC	29406
30	TAXI	7984	2008-179-T	MYRON HUGHEE		2210 W JODY ROAD APT A4	FLORENCE	SC	29501
31	TAXI	7771	2006-398-T	NATHANIEL STREAKS		1 EDENWOOD COURT	CHARLESTON	SC	29407
32	TAXI	7921	2007-452-T	OCTAVIA GRANT CARLESS	CARLESS TAXI SERVICE	204 SAVANNAH RIVER DRIVE	SUMMERVILLE	SC	29485
33	TAXI	7969	2008-79-T	ORRIN WENDELL CHAVIS WEST	INTERNATIONAL TAXI SERVICE	78 ASHLEY HALL PLANTATION ROAD APT B-79	CHARLESTON	SC	29407
34	CHARTER	7874	2007-313-T	PALMETTO ACCESSIBLE TRANSPORTATION SERVICE, LLC		112 RAIL DRIVE	SUMMERVILLE	SC	29483
35	CHARTER	7848	2007-236-T	PAUL F. & DONALD Y. HENDERSON		435 GUM BRANCH ROAD	CHARLOTTE	NC	28214
36	CHARTER	7216	2002-132-T	PEARL LIMOUSINE AND TRANSPORTATION COMPANY		3925 MORRIS FIELD DRIVE, STE A	CHARLOTTE	NC	28208
37	TAXI	7894	2007-391-T	RODNEY T. WRIGHT	TYRONES' TAXI	P.O. BOX 84	JACKSONBORO	SC	29452
38	TAXI	7994	2008-107-T	RONALD R. SUMTER		2334-7 TREESCAPE DRIVE	CHARLESTON	SC	29414
39	TAXI	7698	2006-132-T	ROSE MARY ALEXANDER		74-C HUNTER RIDGE LANE	N CHARLESTON	SC	29420
40	TAXI	7686	2006-98-T	SHANA MORTON		213 WEST WHITE ST.	ROCK HILL	SC	29730
41	CHARTER	7804-A	2007-48-T	SOUTHEAST TRANSPORTATION SERVICES, LLC		333 SOUTH BUNCOMBE ROAD	GREER	SC	29650
42	TAXI	7245	2001-409-T	SOUTHERN FLYER TAXI, INC.	CAROLINA FOREST	PO BOX 50220	MYRTLE BEACH	SC	29579
43	TAXI	6749	1999-128-T	SOUTHERN FLYER TAXI, INC.	LITTLE RIVER TAXI	PO BOX 50220	MYRTLE BEACH	SC	29579
44	TAXI	6336-A	1995-1174-T	SOUTHERN FLYER TAXI, INC.		PO BOX 50220	MYRTLE BEACH	SC	29579
45	TAXI	7801	2007-120-T	SUSAN WHISONANT		213 W WHITE STREET	ROCK HILL	SC	29730
46	NON-EMER	7964	2008-121-T	THEODIS L. BERGER	BERGER AND ASSOCIATES	4323 OLD MILL ROAD SUITE A	ANDERSON	SC	29621
47	NON-EMER	7707	2006-127-T	TRANS-CARE SERVICES, LLC		1117 PARKWAY DRIVE	MT PLEASANT	SC	29464
48	CHARTER	6799	1999-274-T	VIRGIL GRAHAM	PHOTOGRAPHY/SAFARI TOUR	PO BOX 6799	MYRTLE BEACH	SC	29572
49	TAXI	7731	2006-242-T	WANITA J DUNLAP	PRIORITY TAXI	423 JUDY DRIVE	GOOSE CREEK	SC	29445
50	TAXI	7730-A	2006-181-T	WYNDELL ANTHONY JACKSON	AA TAXI	3524 W JOHN PAUL JONES RD	TIMMONSVILLE	SC	29161

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2008-_____ - T

IN RE: Petition of the Office of Regulatory Staff to)
Revoke Certificates of Public Convenience)
and Necessity of Certain Motor Carriers) **CERTIFICATE OF SERVICE**
For Non-Payment of License Fees)

This is to certify that I, Chrystal L. Morgan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **PETITION OF THE OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE AS TO WHY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY SHOULD NOT BE REVOKED** in the above-referenced matter to the person(s) named on the attached service list by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown:


Chrystal L. Morgan

August 26, 2008
Columbia, South Carolina

A SPECIAL TOUCH LIMOUSINE, LLC PO BOX 5316 LAKE WYLIE SC 29170	AMERICAN VIP LIMO, LLC 102 HOLLY CREEK DRIVE IRMO SC 29063	CAROLINA SPECIALTY TRANSPORTATION SERVICES, INC. MOBILE MED 4 CARRIAGE LANE, SUITE 104 CHARLESTON SC 29407
DAVIS TRANSPORTATION SERVICES, INC. PO BOX 5226 GREENVILLE SC 29606	DEXTER LARON HARRIS AHMADIEL'S BEST 4370 LADSON ROAD #G 207 LADSON SC 29456	ELITE SERVICES, INC. 505 W. MAIN STREET SPARTANBURG SC 29301
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LETICIA V. DIAZ DIAZ TAXI 133 ROSELAND DRIVE SALUDA SC 29138	LOUISE C. PLAYER 103 PEPPER DRIVE DARLINGTON SC 29532	MARION J. MCDOWELL 1120 ELMGROVE AVENUE FLORENCE SC 29506
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SOUTHERN FLYER TAXI, INC. LITTLE RIVER TAXI PO BOX 50220 MYRTLE BEACH SC 29579	SOUTHERN FLYER TAXI, INC. PO BOX 50220 MYRTLE BEACH SC 29579	SUSAN WHISONANT 213 W WHITE STREET ROCK HILL SC 29730
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